

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

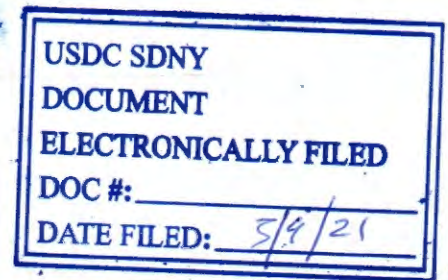
THE CLEMENTINE COMPANY LLC. d/b/a THE
THEATER CENTER, PLAYERS THEATER
MANAGEMENT CORP. d/b/a THE PLAYERS THEATER,
WEST END ARTISTS COMPANY d/b/a THE ACTORS
TEMPLE, SOHO PLAYHOUSE INC. d/b/a SOHO
PLAYHOUSE, THE GENE FRANKEL THEATRE LLC.,
TRIAD PROSCENIUM PARTNERS INC. d/b/a THE
TRIAD, CARAL LTD. d/b/a BROADWAY COMEDY
CLUB, and DO YOU LIKE COMEDY LLC. d/b/a NEW
YORK COMEDY CLUB,

Plaintiffs,

v.

ANDREW M. CUOMO, in his Official Capacity as Governor
of the State of New York, ATTORNEY GENERAL OF THE
STATE OF NEW YORK, BILL de BLASIO, in his Official
Capacity as Mayor of the City of New York, and THE STATE
OF NEW YORK,

Defendants.



No. 20-cv-8899 (CM)

**STIPULATION OF
WITHDRAWAL OF
MOTION FOR
PRELIMINARY
INJUNCTION**

WHEREAS on November 9, 2020, Plaintiffs moved for a preliminary injunction enjoining State guidance requiring the closure of small venue theaters, and requiring that such venues be permitted to open at 25% capacity or a 50-person limit (ECF no. 9, the "Preliminary Injunction Motion");

WHEREAS Defendants Andrew M. Cuomo, in his Official Capacity as Governor of the State of New York, the State of New York (together with Governor Cuomo, the "State Defendants"), and Bill de Blasio, in his Official Capacity as Mayor of the City of New York, opposed the Preliminary Injunction Motion (ECF Nos. 24-29);

WHEREAS the Preliminary Injunction Motion has not yet been decided; and

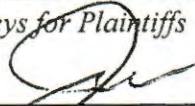
WHEREAS on March 3, 2021, Governor Cuomo announced that as of April 2, 2021, “Events, Arts, and Entertainment Venues” (including the Plaintiff small venue theaters) will be permitted to reopen at 33% capacity with up to 100 people indoors, or 150 people indoors with attendee testing¹;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for Plaintiffs, State Defendants, and Mayor de Blasio (collectively, the “Parties”) in the above-captioned matter, as follows:

1. Plaintiffs’ motion seeking a preliminary injunction (ECF no. 9) is hereby withdrawn; and
2. The Parties request that the in-person conference currently scheduled for March 15, 2021 be cancelled as no longer necessary.

Dated: New York, New York
March 5, 2021

THE MERMIGIS LAW GROUP, P.C.,
Attorneys for Plaintiffs

By: 
James G. Mermigis, Esq.
85 Cold Spring Road, Suite 200
Syosset, New York 11791
(516) 353-0075
James@MermigisLaw.com

LETITIA JAMES,
Attorney General of New York State
Attorney for State Defendants

By: 
MATTHEW L. CONRAD
Assistant Attorney General
28 Liberty Street
New York, NY 10005
(212) 416-6352
Matthew.Conrad@ag.ny.gov

¹ <https://www.governor.ny.gov/news/governor-cuomo-announces-event-arts-and-entertainment-venues-can-reopen-33-percent-capacity>

JAMES E. JOHNSON,
Corporation Counsel of the City of
New York
Attorney for Defendant Bill de Blasio

By: A. Lulich
AIMEE K. LULICH
Assistant Corporation Counsel
100 Church Street
New York, NY 10007
(212) 356-2369
ALulich@law.nyc.goc

3/8/2021

The court is only sorry that the parties could not come in last month for a hearing, as I originally requested, because I have done considerable work on the very interesting and thorny issues raised by this case. In the event the case does not become moot, and plaintiffs decide to pursue relief, you can and will be heard expeditiously. For now, as the preliminary injunction motion has been withdrawn, the March 15 hearing is cancelled. The parties must report on the status of the case every 60 days.

3

Charles J. H. [Signature]
Chief Judge